

## **TITLE 4: BUSINESS AND SPECIAL LICENSES, REGULATIONS**

### **DIVISION 1: BUSINESS LICENSES AND REGULATIONS**

#### **Chapter 17: BINGO GAMES.**

##### **Sections:**

- 41.171 Definitions.
- 41.172 License Required.
- 41.173 License Fee.
- 41.174 Application for License.
- 41.175 Granting License.
- 41.176 Operation of Bingo Game.
- 41.177 Financial Interest.
- 41.178 Profits.
- 41.179 Participation Limited to Those Present.
- 41.1710 Bingo Game Open to Public.
- 41.1711 Value of Prizes.
- 41.1712 Minors Prohibited from Participation.
- 41.1713 Display of License.
- 41.1714 License Not Transferable
- 41.1715 Suspension or Revocation of License.
- 41.1716 Disciplinary Action - Grounds.
- 41.1717 Suspension or Revocation Without Hearing.
- 41.1718 Procedure.
- 41.1719 Pending Revocation or Suspension Proceedings, Effect on Licensee.
- 41.1720 License Renewal - Effect of Pendency of Proceeding to Suspend or Revoke License.
- 41.1721 Fictitious Name.
- 41.1722 Penalty.

##### **41.171 Definitions.**

(a) **NONPROFIT ORGANIZATIONS:** A nonprofit organization is an organization exempted from the bank and corporation tax by Sections 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g), and 23701(i) of California Revenue and Taxation Code.

(b) **MINORS:** Minors are all persons defined as minors under Civil Code Section 25.1.

(c) **BINGO:** Bingo means a game of chance in which prizes are awarded by designated numbers or symbols on a card which conform with numbers or symbols selected at random.

(d) **PRIZES:** Prizes mean cash, kind, or both for each separate game which is held.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

##### **41.172 License Required.**

No person other than a nonprofit organization, mobilehome park association, or senior citizen organization may conduct bingo games. Such organizations or association shall not conduct bingo games without first having secured a license to conduct such games, from the Board of Supervisors.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

##### **41.173 License Fee.**

A license fee as specified in Section 16.025(a)(14) shall be paid upon filing of each application for license for the purpose of defraying the expense incidental to the processing of the said application. If an application for a license is denied, one-half of said license fee shall be refunded to the organization.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

##### **41.174 Application for License.**

Applicants for bingo license shall file a written, signed, and acknowledged application with the Clerk of the Board of Supervisors, showing:

- (a) The name and address of the applicant.
- (b) The dates, hours, and location where the bingo games will be operated.
- (c) The name or names of the person or persons having the management or supervision of said games.
- (d) Whether food and beverages will be available.
- (e) Such other reasonable information as may be required as to the identity or character of the applicant, manager, members or applicant operating said games.

If the applicant is a nonprofit organization, the application shall be accompanied by a copy of the tax exempt status determination issued by the State Franchise Tax Board to the applicant organization showing the applicant organization is exempt under the provisions of Sections 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g), 23701(i) of the California Revenue and Taxation Code.

The applicant shall submit with the application a declaration under penalty of perjury of a duly authorized officer or representative of the organization, which states that the applicant organization owns or leases the property of which the bingo games are to be held and that such property is used by such organization for an office or for purposes for which the organization is organized. Said declaration shall also indicate that the proceeds of such games will only be used for charitable purposes, except as provided in Section 41. 178(b) of this chapter.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

#### **41.175 Granting License.**

After the making and filing of the application, the Clerk of the Board of Supervisors shall refer the application to the Sheriff for investigation. The Sheriff shall make reports of his findings, together with a recommendation as to whether or not the applicant shall be granted a license, to the Board of Supervisors within ten (10) working days after the application was referred to him. The license shall be issued for a specified location. The license shall be valid for a period of one (1) year from date of issuance.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

#### **41.176 Operation of Bingo Game.**

(a) A bingo game shall be conducted only on property owned or leased by the nonprofit organization and used by it for an office or for performance of the purposes for which the organization is organized. Use solely for the purposes of conducting bingo games is not an acceptable use. The property owned or leased by the organization need not be used or leased exclusively by such organization. The bingo game shall be operated and staffed only by members of the licensed organization which organized said game. Such members shall not receive a profit, wage, or salary from any bingo game. Only the organization licensed to conduct a bingo game shall operate such game or participate in the promotion, supervision, or any other phase of such game. Bingo games shall not be held on more than ten (10) days in each calendar month nor for more than five (5) hours in any twenty-four (24) hour period. No bingo shall be permitted between the hours of 2:00 a.m. and 6:00 a.m.

(b) For purposes of this section, the term "profit", as used above, shall not include one complimentary meal to be consumed on the premises at which a bingo game is being conducted by any volunteer helping to staff the bingo game then being played. A volunteer may have no more than one (1) complimentary meal per five (5) hour period, and must consume the meal on the same date that the volunteer's services are being rendered.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977); Amended Ordinance #3394 (1990);

#### **41.177 Financial Interest.**

No individual, corporation, partnership, or other legal entity except the organization authorized to conduct a bingo game shall hold a financial interest in the conduct of such bingo game.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

#### **41.178 Profits.**

(a) NONPROFIT ORGANIZATIONS UNDER REVENUE AND TAXATION CODE SECTION 23701(d). All profits derived from a bingo game by organizations exempt from payment of the bank and corporation tax by Section 23701 (d) of the California Revenue and Taxation Code shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such profits shall be used only for charitable purposes.

(b) OTHER LICENSED ORGANIZATIONS. With respect to other licensed organizations authorized to conduct bingo games, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such proceeds shall be used only for charitable purposes, except as follows:

(1) Such proceeds may be used for prizes.

(2) A portion of such proceeds not to exceed twenty percent (20%) of the proceeds before the deduction for prizes, or two thousand dollars (\$2,000) per month, whichever is less, may be used for rental of property, overhead, and administrative expenses.

(c) RECORDS. Records required by this section shall be retained for a period of three (3) years. The licensee's books and records shall be available for inspection by the Sheriff upon reasonable notice.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977); Amended Ordinance #3675 (1996);

**41.179 Participation Limited to Those Present.**

No person shall be allowed to participate in a bingo game, unless the person is physically present at the time and place in which the bingo game is being conducted.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

**41.1710 Bingo Game Open to Public.**

All bingo games shall be open to the public, not just to the members of the licensed organization.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

**41.1711 Value of Prizes.**

The total value of prizes awarded during the conduct of any bingo game shall not exceed two hundred fifty dollars (\$250) in cash or kind, or both, for each separate game which is held.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

**41.1712 Minors Prohibited from Participation.**

No minor shall be allowed to participate in any bingo game.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

**41.1713 Display of License.**

Every licensee shall display the license issued by the County of San Bernardino in a conspicuous place in the premises where the bingo games are conducted.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

**41.1714 License Not Transferable.**

Each license issued hereunder shall be issued to a specific nonprofit organization and for a specific location and shall in no event be transferable from one organization or location to another.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

**41.1715 Suspension or Revocation of License.**

The Board may, upon its own motion or upon the verified complaint in writing of any person, investigate the actions of any licensee and may temporarily suspend, for a period not exceeding one (1) year, or revoke the permit of any licensee which commits any one or more of the acts or omissions constituting grounds for disciplinary action under this chapter.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

**41.1716 Disciplinary Action - Grounds.**

It shall be a ground for denial, revocation, or other disciplinary action of any applicant, licensee, the agent, or employee, or any person connected or associated with the applicant or licensee as partner, director, officer, stockholder, general manager, or person exercising managerial authority of or on behalf of the licensee if such organization or person has:

- (a) Knowingly made any false, misleading, or fraudulent statement of a material fact in an application for a license, or in any report or record required to be filed with the Board; or
- (b) Violated any provision of this chapter or of any statute relating to the permitted activity; or
- (c) Been convicted of a felony or any crime involving moral turpitude; or
- (d) A bad moral character, intemperate habits or a bad reputation for truth, honesty, or integrity; or
- (e) Committed any unlawful, false, fraudulent, deceptive, or dangerous act while conducting permitted bingo games; or
- (f) Violated any rule or regulation adopted by the Board relating to the licensed bingo games; or
- (g) Conducted the permitted bingo game in a manner contrary to the peace, health, safety, and general welfare of the public; or
- (h) Failed to comply with zoning, Building and Safety, and Environmental Health Services regulations of San Bernardino County, and applicable local and state fire regulations.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

**41.1717 Suspension or Revocation Without Hearing.**

If any applicant, licensee, the agent or employee or any person connected or associated with the applicant or licensee as partner, director, officer, stockholder, general manager, or person who is exercising managerial authority on behalf of the licensee is convicted in any court of the violation of any law regulating any activity at the licensee's business premises, the Board may revoke said license forthwith without any further action thereon other than giving notice of revocation to the licensee.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

**41.1718 Procedure.**

An applicant or licensee may, within ten (10) days after service of a written notice of denial of a license or suspension or revocation of his license, file a request for a hearing with the Board. The request for hearing shall be in writing and signed by or on behalf of the applicant or licensee. It need not be verified or follow any particular form. Failure to file such a request for a hearing shall constitute a waiver of the licensee's right to a hearing.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

**41.1719 Pending Revocation or Suspension Proceedings, Effect on Licensee.**

Pending the final determination of a proceeding for revocation or suspension of a license, a licensee may continue to operate bingo games until the Board makes such final determination.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

**41.1720 License Renewal - Effect of Pendency of Proceeding to Suspend or Revoke License.**

A licensee may file an application for renewal of a license pursuant to Section 41.175. A ten dollar (\$10) renewal fee shall be required. Renewal application should be filed at least thirty (30) days prior to expiration of the license period. In the event a renewal application is filed during the pendency of a proceeding to suspend or revoke the license, such filing shall continue such license in full force and effect until the entry of the final order by the Board terminating proceedings. Failure of the Board to revoke, suspend, limit, or condition the license shall have the effect of granting said license. The application for renewal shall become a part of the pending proceeding and be subject to all evidence which has been or is thereafter presented. No further notice to the applicant is required and the Board or Hearing Officer is authorized to consider and make findings upon such application in accordance with this chapter.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977); Amended Ordinance #3604 (1995)

**41.1721 Fictitious Name.**

It shall be unlawful for any person or persons to sign a fictitious name or fictitious address in connection with applications submitted pursuant to this chapter.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);

**41.1722 Penalty.**

Any person violating any provision of this chapter shall be guilty of a misdemeanor and subject to a fine of not more than five hundred dollars (\$500) or imprisonment in the County Jail for not more than six (6) months, or both such fine and imprisonment; provided, however, pursuant to subsections (b) and (c) of Section 326.5 of the Penal Code, any persons paying or receiving a profit, wage, or salary from any bingo game authorized by Section 19 of Article IV of the State Constitution and this chapter shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed ten thousand dollars (\$10,000). In accordance with subsection (d) of Section 326.5 of the Penal Code, the County may bring an action to enjoin a violation of any provision of this chapter.

Adopted Ordinance #2110 (1976); Amended Ordinance #2193 (1977);